

A G E N D A

SPECIAL MEETING, OCONEE COUNTY COUNCIL

THURSDAY, MARCH 31, 1994

6:30 PM

1. Call to Order
2. Invocation
3. Approval of Resolution 94-3, "A Resolution Authorizing Assistance to Victims of Windstorms & Tornados in Oconee County"
4. Old Business
5. New Business
6. Adjourn

MEMBERS, OCONEE COUNTY COUNCIL

Mrs. M. Fran Burrell, District I Mr. Harrison E. Orr, District II
Mr. Michael E. Harper, District III Mr. Roy B. Strickland, District IV
Mr. Alton K. Williams, District V

MINUTES, SPECIAL MEETING, OCONEE COUNTY COUNCIL

The Oconee County Council held a special meeting Thursday, March 31, 1994 at 6:30 pm in Council Chambers with all Council Members and the County Attorney present.

Members of the press notified (by fax and mail):
Journal/Tribune, Westminster News, Keowee Courier, Anderson Independent, Greenville News, WGOG Radio, WBFM Radio, WCCP Radio, Northland Cable, WLOS TV & WYFF TV.

Press

Members of the press present: Bill Swain - Northland Cable & Kathleen Stoll - Anderson Independent.

The meeting was called to order by Supervisor-Chairman Crain.

Call to Order

The invocation was given by Mr. Williams.

Invocation

Mr. Alan Horn, Emergency Preparedness Director, informed Council there was an estimated \$1,500,000 damage to homes in Oconee County caused by the tornado on Sunday, March 27, 1994. However, it is difficult to say at this time whether Oconee County will qualify for aid.

Meeting
Emergency
Prepared-
ness

Mr. Horn and Mr. Roger Williams, Assessor estimate there are fifty-eight (58) single family residences destroyed by the tornado. Of these, twenty-eight (28) were mobile homes and thirty (30) were houses. Of these twenty-five (25) were destroyed. This was based on what it would take to make the dwelling liveable versus what it was worth.

The Federal Emergency Agency estimates there are sixteen (16) dwellings damaged.

Mr. Dennis Bauknight, Soil & Water Director, addressed Council regarding the adoption of the attached letter requesting federal assistance to restore approximately ten (10) miles of streams and watercourses in Oconee County.

Soil &
Water

After discussion, Mr. Harper made a motion, seconded by Mr. Strickland, approved 5 - 0 that the letter be adopted with the wording being changed meet with the approval of the county attorney.

Mr. Orr made a motion, seconded by Mr. Strickland, approved 5 - 0 that Resolution 94-3, "A Resolution Authorizing Assistance to Victims of Tornadoes and Wind Storms in Oconee County, South Carolina" be adopted on first and final reading.

Res. 94-3

Mr. Williams had to leave at this time.

Mr. Strickland made a motion, seconded by Mr. Harper, that Resolution 94-4, "A Resolution Authorizing Oconee County to Provide Assistance in the Implementation of Emergency Waste Disposal Measures Issued by the South Carolina Department of Health & Environmental Control" be adopted on first and final reading.

Res. 94-4

The estimated cost for closing these landfills is \$100,000.

Mr. Strickland made a motion, seconded by Mr. Harper, approved 4 - 0 (Mr. Williams absent) that the motion be amended to take these funds from line item 016 049 00150 49005 and place them in line item 10 016 049 49006.

The resolution as amended was then adopted 4 - 0 (Mr. Williams had to leave).

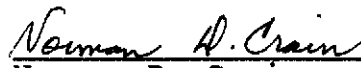
Mr. Harper made a motion, seconded by Mr. Strickland, approved 4 - 0 (Mr. Williams absent) that Resolution 94-5, "A Resolution Requesting that the Governor Declare Oconee County as a Disaster Area" be adopted on first and final reading.

Res. 94-5

Mr. Crain also expressed appreciation to everyone who assisted during the tornado.

Thanks

Adjourn: 7:15 pm


Norman D. Crain
Supervisor-Chairman
Oconee County Council

MEMORANDUM

To: APPALACHIA I DISTRICT SOLID WASTE CONSULTANTS
From: SUSAN S. REED *SR*
Date: March 30, 1994
Subject: DISPOSAL OF TORNADO WASTE

In response to Oconee County's request for emergency measures to dispose of the C & D and land-clearing debris generated as a result of the tornados, the following has been agreed upon by the Department:

1. One-time approval for disposal of waste will be given to sites that meet the criteria for a short-term landfill. White goods, household hazardous wastes, and automobiles must be placed in a permitted landfill. The Department also recommends disposal of mobile homes and plumbing in a permitted landfill. The District office is to work with the County to locate disposal sites in the three areas where most of the damage occurred. The Central office will issue the approval after receiving documentation on the site.
2. If the County desires to burn any land-clearing debris only, approval must be obtained from the Bureau of Air Quality Control. Contact Phil Brantley, 734-4554.
3. If Seneca C & D Landfill desires to begin accepting waste before receiving the final permit, the Department will not take enforcement action. However, if the permit is appealed, receiving waste before issuance of the final permit could cause problems for Oconee County. The draft permit will be issued today and the final permit issued in 15 days if no comments are received.

Enclosed with this memo is a copy of the proposed draft of Part I, Short-term Landfill, of the C & D regulations. Please use these requirements in selecting the disposal sites. Please obtain and submit to the Central office a copy of the property tax map with the disposal area marked to scale on the map for our records. Also enclosed with this memo, is a form letter for property owners to sign. Please fax us a signed copy. The approval letter to be issued will contain the standard conditions for a short-term landfill. If you have further questions, please contact me at 734-3374.

SHORT-TERM C&D SITE INSPECTION CHECKLIST

FACILITY NAME & ADDRESS _____

CONTACT PERSON _____

TELEPHONE NO. _____

YES	NO	
_____	_____	Occupies approximately less than or equal to 1 acre
_____	_____	The corners of the fill area are marked with stakes
_____	_____	Access controlled through gates, fences, natural barriers or berms
_____	_____	Proposed fill area not located within 100 ft of any property lines
_____	_____	Proposed fill area not located within 200 ft of any residence, school, hospital, etc.
_____	_____	Proposed fill area not located within 200 ft of any surface water source or wetlands
_____	_____	Proposed fill area not located within 100 ft of any drinking water well
_____	_____	Proposed cover material acceptable
_____	_____	Proposed final elevations acceptable considering surrounding area and elevations
_____	_____	Water level in the augered holes in inches

COMMENTS: _____

RECOMMENDATION: APPROVE
 NOT APPROVE

SIGNATURE: _____, DISTRICT EQC
DATE: _____

I, _____, hereby give permission for the disposal of waste generated from the tornados passing through the area on March 26 and 27, 1994, on the _____ property of which I am owner, located at _____ and designated by Oconee County property tax map _____.

I understand that this is a one-time approval to receive waste. I understand that all exposed waste shall be covered every thirty (30) days with six (6) inches of clean earthen material. I also agree that upon termination of disposal operations, the following closure requirements shall be met:

1. Upon closure of the facility, the owner/operator shall immediately post signs at the facility that state the facility is no longer in operation.
2. Within one (1) month following the last receipt of waste, final cover shall be applied. A two (2) foot thick final earth cover is required with at least a one percent (1%) but not greater than a four percent (4%) surface slope, graded to promote positive drainage. The side slope shall not exceed three (3) horizontal feet to one (1) vertical foot.
3. The finished surface of the disposal area shall be seeded with native grasses or other suitable ground cover within five (5) days of application of the cover.
4. Upon closure of the disposal site and within ten (10) days of grading and seeding, submit to the Department written notification that the landfill has been properly closed in accordance with the requirements outlined above. Upon the Department's verification of proper closure, the Department's approval for the facility shall be terminated.

PROPOSED REGULATION**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code
Sections 44-96-80, 44-96-290, 44-96-300, 44-96-320,
44-96-380, 44-96-400, 44-96-450, and 44-96-460 (1991)

Synopsis:

This regulation establishes minimum standards for the site selection, design, operation, and closure of construction, demolition and land-clearing debris landfills as follows:

1. Part I outlines the requirements for small, short-term construction, demolition and land-clearing debris landfills which meet specific criteria;
2. Part II outlines General Permitting requirements for the disposal of land-clearing debris and yard trash;
3. Part III [Reserved] outlines the requirements for site-specific construction, demolition and land-clearing debris landfills; and,
4. Part IV outlines the requirements for all other construction, demolition and land-clearing debris landfills not addressed in Parts I, II, or III.

Instructions:

R. 61-107.11. Solid Waste Management: Construction, Demolition and Land-Clearing Debris Landfills.

A. Applicability.

1. This regulation establishes minimum standards for the site selection, design, operation, and closure of construction, demolition and land-clearing debris landfills as follows:

- a. Part I outlines the requirements for small, short-term construction, demolition and land-clearing debris landfills to be used for structural fill, with a limited waste stream, and with a specified facility life;
- b. Part II outlines General Permitting requirements for the disposal of trees, stumps, wood chips, and yard trash only;
- c. Part III [Reserved] outlines the requirements for site-specific, private, dedicated construction, demolition and land-clearing debris landfills that are not commercial facilities; and,
- d. Part IV outlines the requirements for long-term sites, i.e., all other construction, demolition and land-clearing debris landfills not addressed in Parts I, II or III.

2. Landfills for the disposal only of trees, stumps, wood chips, and yard trash when generation and disposal of such waste occurs on properties under the same ownership or control are exempt from the

requirements of this regulation.

3. Landfills used solely for disposal of industrial process solid waste generated in the course of normal operations on property under the same ownership or control as the solid waste landfill are exempt from the requirements of this regulation.

4. Land-clearing debris generated from agricultural or silvicultural operations generated and disposed on site are not subject to the requirements of this regulation.

B. Definitions.

1. "Construction and demolition debris" means discarded solid wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land-clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.

2. "Closure" means the discontinuance of operation by ceasing to accept, treat, store, or dispose of solid waste in a manner which minimizes the need for further maintenance and protects human health and the environment.

3. "Construction" means any physical modification to the site at which a potential or proposed solid waste management facility is to be located including, but not limited to, site preparation.

4. "Contingency plan" means a document acceptable to the Department setting out an organized, planned, and coordinated course of action to be followed at or by the facility in case of a fire, explosion, or other incident that could threaten human health and safety or the environment.

5. "Cover" means soil or other suitable material acceptable to the Department, or both, that is used to cover compacted solid waste in a land disposal site.

6. "Department" means the South Carolina Department of Health and Environmental Control.

7. "Disclosure statement" means a sworn statement or affirmation, the form and content of which shall be determined by the Department and as required by Section 44-96-300.

8. "Disposal" means the discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

9. "Facility" means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

10. "Financial responsibility mechanism" means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities. Available financial responsibility mechanisms include, but are not limited to insurance, trust

funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial test, and corporate guarantees as determined by the Department by regulation.

11. "Groundwater" means water beneath the land surface in the saturated zone.
12. "Hazardous waste" has the meaning provided in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.
13. "Landfill" means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.
14. "Land-clearing debris" means solid waste which is generated solely from land-clearing activities, but does not include solid waste from agricultural or silvicultural operations.
15. "Local government" means a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services.
16. "Open dumping" means any unpermitted solid waste disposal activity.
17. "Permit" means the process by which the Department can ensure cognizance of, as well as control over, the management of solid wastes.
18. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
19. "Region" means a group of counties in South Carolina which is planning to or has prepared, approved, and submitted a regional Solid Waste Management Plan to the Department pursuant to Code Section 44-96-80.
20. "Special wastes" as defined in Code Section 44-96-390(A).
21. "Structural fill" means land filling for a projected beneficial end use utilizing acceptable construction and demolition debris and/or land-clearing debris.
22. "Surface water bodies" mean lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within territorial limits, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private, excluding drainage ditches and sedimentation ponds.
23. "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to flies and other insects, rodents, birds, and vermin.
24. "Yard trash", i.e., yard waste, means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Part I. Small, Short-term Construction, Demolition and Land-Clearing Debris Landfills.

A. General Provisions.

1. Landfills to be used for structural fill may be eligible for a Department issued Short-Term Construction, Demolition, and Land-Clearing Debris Landfill Permit, herein after known as a "Short-Term Landfill Permit", if the site meets all of the following criteria:

a. Structural fill of areas that have never received construction or demolition waste, where structural fill means landfilling for a projected beneficial end use utilizing acceptable construction and demolition debris and land-clearing debris;

b. Operate a site with a proposed life of six (6) months or less. Extension requests reviewed on a case-by-case basis;

c. Occupy one (1) acre in size or less;

d. Receive only those items listed below that have not been in direct contact with hazardous constituents, e.g., petroleum products, pesticides, etc., or painted with lead-based paint:

(1) land-clearing debris;

(2) hardened concrete;

(3) hardened/cured asphalt;

(4) bricks; and,

(5) blocks;

e. Be located in an area that has never received construction or demolition wastes prior to applying for a permit. Open dumps shall not be eligible to receive a short-term landfill permit;

f. Be in compliance with the host and generator Region/County Solid Waste Management Plans; and,

g. Be consistent with the South Carolina Coastal Council (SCCC) Plan if the landfill is located in the coastal zone as defined by the SCCC.

h. Landfills shall adhere to all Federal and State rules and regulations, and all local zoning, land use, and other applicable ordinances and laws.

2. The siting, design, construction, operation, closure, and corrective action activities of landfills which are eligible for a Short-Term Landfill Permit shall conform to the standards set forth in this Part of this regulation.

3. Landfills for the disposal only of trees, stumps, wood chips, and yard trash when generation and disposal of such waste occurs on properties under the same ownership or control are exempt from the

requirements of this regulation.

4. If at any time the Department determines that a landfill poses an actual or potential threat to human health or the environment, upon notification by the Department, the owner or operator shall implement a corrective action program approved by the Department.

5. Open dumping of construction, demolition and/or land-clearing debris, is prohibited.

B. Permit and Application Requirements for Short-Term Landfill Permit.

1. Prior to the construction, operation, expansion or modification of a landfill, a permit shall be obtained from the Department.

2. The siting, design, construction, operation, and closure activities of landfills shall conform to the standards set forth in this regulation.

3. Any person wishing to obtain a permit for a landfill shall submit to the Department two (2) copies of the following documents:

a. A completed permit application on a form provided by the Department and all information requested on that form;

b. A 7.5 minute quadrant map (U.S. Geological Survey topographic map, including the legend and name of the quadrant) with the disposal area marked;

c. Data to indicate the location of the seasonal high water table in relation to the bottom elevation of the disposal area;

d. A county map with the location of the landfill marked;

e. A letter of proof of proper zoning from the county or city;

f. Letters of Consistency with the host and generator Region/County Solid Waste Management Plans;

g. A letter from the South Carolina Coastal Council (SCCC) stating that the project is consistent with the SCCC plan if the proposed landfill is located in the coastal zone as defined by the SCCC;

h. A site plan on a scale of not greater than two hundred (200) feet per inch. This plan shall at a minimum identify the following:

(1) Property boundaries, footprint of the landfill, location of any buildings, fences, gates, entrances, exits, and access roads;

(2) Land use within one-fourth (¼) mile of the proposed site's boundaries to include the location of all homes, schools, hospitals, recreational park areas, drinking water wells, and roads;

(3) Location of surface water bodies, dry runs, wetlands, the location of the 100-year flood

plain boundaries, and other applicable details regarding the general topography of the landfill site and adjacent properties; and,

(4) Depth of the disposal area and proposed final elevations, in a cross-sectional view;

i. General operating information on the proposed facility including the following:

(1) The expected life of the facility;

(2) The maximum volume of solid waste the facility will be capable of receiving over the operational life of the facility;

(3) The frequency at which the facility will receive that waste during the designed life of the facility;

(4) The source and description of cover material to be used;

(5) The frequency of covering (at least monthly); and,

(6) An explanation of how the cover will be applied.

C. Design Criteria for Short-Term Landfills.

1. The site for the facility shall meet the following standards, unless otherwise approved by the Department:

a. Landfills located in a 100-year floodplain shall demonstrate that the landfill will not restrict the flow of the 100-year flood;

b. A landfill shall not be located within one hundred (100) feet of any wetlands as delineated and defined specifically as wetlands according to the methodology accepted by the U. S. Army Corps of Engineers and the U. S. Environmental Protection Agency;

c. Access to the landfill shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent promiscuous dumping and unauthorized access;

d. The waste disposal boundary of the landfill shall not be located within one hundred (100) feet of any property line;

e. The waste disposal boundary of the landfill shall not be located within two hundred (200) feet of any residence, school, day-care center, hospital or recreational park area;

f. The waste disposal boundary of the landfill shall not be located within two hundred (200) feet of any surface water body which holds visible water for greater than six (6) consecutive months, excluding ditches, sedimentation ponds, and other operational features on the site;

g. The waste disposal boundary of the landfill shall not be located within one hundred (100) feet of any drinking water well;

h. The bottom elevation of the landfill shall be a minimum of two (2) feet above seasonal high water table as it exists prior to construction of the disposal area. The seasonal high water table shall be determined based on interpretation of the data from three (3) hand auger borings at least three (3) inches in diameter to a depth of five (5) feet. These holes shall be bored at the lowest point in the disposal area, and at two (2) other points in the disposal area. The borings shall be covered and allowed to stand for twenty-four (24) hours. The water level in the borings shall be verified by Department personnel;

i. Landfills shall be adjacent to or have direct access to roads which are of all weather construction and capable of withstanding anticipated load limits; and,

2. Drainage control requirements. The disposal area shall be graded with a minimum of 1% slope so as to divert and minimize run-off into the disposal area of the landfill, to prevent erosion and ponding within the disposal area, and to drain water from the surface of the landfill.

3. Procedures shall be established for maintaining conditions that are unfavorable for the habitation and production of insects and rodents.

D. Operation Criteria. The following operational requirements shall apply to all short-term landfills unless otherwise approved by the Department:

1. The landfill shall accept only those waste items listed below that are free of lead-based paint and/or have not been in direct contact with hazardous constituents, e.g., petroleum products, pesticides, etc.:

- a. Land-clearing debris;
- b. Hardened concrete;
- c. Hardened/cured asphalt;
- d. Bricks; and,
- e. Blocks.

2. Unauthorized wastes shall be removed from the landfill site to an approved facility within forty-eight (48) hours of receipt.

3. The disposal area shall be staked prior to receipt of wastes, and the stakes shall remain for the life of the facility.

4. The unloading of solid waste intended for structural fill shall be restricted to the working face of the landfill.

5. The working face of the landfill shall be confined to as small an area as the equipment can safely and efficiently operate. The slope shall not exceed thirty three percent (33%).

6. A uniform layer of earth cover or other suitable cover material acceptable to the Department, no less than six (6) inches in depth shall be placed over all exposed waste material at least monthly.

7. Open burning at landfills shall be prohibited.
8. The facility shall be maintained and operated in a manner which will protect the established water quality standards of the surface waters and ground waters.
9. Dust, odors, fire hazards, litter and vectors shall be effectively controlled so they do not constitute nuisances or hazards.

E. Closure. The termination of disposal operations at a landfill, whether the entire landfill or a portion thereof, shall be in compliance with the following requirements:

1. Within five (5) days of closure of the entire landfill, the owner/operator shall post signs at the landfill that state the facility is no longer in operation.
2. Within one (1) month following the last receipt of solid waste at the facility, final cover shall be applied. A two (2) foot thick final earth cover is required with at least a 1% but not greater than 4% surface slope, graded to promote positive drainage. The side slope cover shall not exceed three (3) horizontal feet to one (1) vertical foot.
3. The finished surface of the disposal area shall be seeded with native grasses or other suitable ground cover within five (5) days of application of the cover.
4. Upon closure of the landfill and within ten (10) days of grading and seeding, pursuant to item #2 above, submit to the Department written notification that the landfill has been properly closed in accordance with the requirements outlined in this regulation. Upon the Department's verification of proper closure, the Department's permit for this facility shall be terminated.
5. Within thirty (30) days of the Department's verification of proper closure, the owner shall:
 - a. Submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Department a plat showing the final boundaries of the disposal area of the closed landfill and a record of the type, location, and quantity of solid wastes disposed at the facility;
 - b. Record a notation on the deed to the facility property - or on some other instrument which is normally examined during title search - that will in perpetuity notify any potential purchaser of the property that the land or a portion thereof, has been used for the disposal of solid waste; and,
 - c. Submit to the Department a copy of the document in which the notation required by Item 4.b. above has been placed.
6. If environmental problems associated with the landfill are detected and confirmed by the Department, the owner or operator shall submit for Department review and approval, a corrective action plan and a schedule of compliance for implementing the plan.

F. Violations and Penalties.

1. Should the Department detect environmental and/or health problems associated with any construction, demolition and land-clearing debris landfill, monitoring (including groundwater, surface

water, and air quality monitoring) may be required by the Department, as appropriate, and based on a case by case evaluation to ensure protection of the environment.

2. A violation of this regulation or any permit, order, or standard subjects the person to the issuance of a Department order, or to civil or criminal enforcement action in accordance with Code Section 44-96-450. In addition, the Department may impose reasonable civil penalties not to exceed ten thousand dollars (\$10,000.00) for each day of violation of the provisions of this regulation, including any order, permit or standard. A person to whom an order is issued may appeal it as a contested case pursuant to R.61-72 and the Administrative Procedures Act.

G. Severability. Should any regulation, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.

Part II. General Permitting for the Disposal of Land-Clearing Debris and Yard Trash.**A. General Provisions.**

1. The Department may issue a general permit for solid waste landfills used solely for the disposal of trees, stumps, wood chips, and yard trash which is generated from land-clearing activities, excluding agricultural and silvicultural operations when generation and disposal are on site.

2. The general permit shall, pursuant to Part IV of this regulation, outline the following:

- a. Submittal requirements;
- b. Design criteria;
- c. Operational criteria;
- d. Record-keeping, monitoring, and reporting, if applicable; and,
- e. Closure and corrective action requirements, if applicable.

3. Counties and/or regions comprised of counties may, through the Region/County Solid Waste Management Plans, prohibit or limit the size of land-clearing debris landfills operating under the general permit.

4. A facility shall be covered under the State's general permit if it provides proper notification of intent to the Department as outlined in the general permit, and if constructed and operated in compliance with the requirements established by the permit and this regulation.

5. Owners or operators seeking coverage under the general permit shall submit to the Department a written Notice of Intent to be covered by the general permit on a form approved by the Department. The landfill shall not be placed into operation under the general permit until receipt of Department approval for operation under the general permit.

6. If at any time the Department determines that a landfill operating under the State's general permit poses an actual or potential threat to human health or the environment, upon notification by the Department, the owner or operator shall implement a corrective action program approved by the Department.

7. Open dumping of land-clearing debris is prohibited.

8. A facility's approval to operate under the general permit may be revoked for any of the following reasons:

- a. The facility fails to comply with the conditions of the general permit or the regulation;
- b. Circumstances have changed since the time of the request to be covered so that the owner/operator is no longer appropriately controlled under the general permit, or either a temporary or permanent closure of the landfill is necessary;